IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE V. DHANAPALAN

WRIT APPEAL Nos.1663 and 1664 of 2002

Ramasamy V. .. Appellant in WA.1663/02

Dhanalakshmi .. Appellant in WA.1664/02

vs.

1. The Tahsildar
   Camp Office
   Harijan Welfare Department
   Gingee, Tindivanam Salai
   Villupuram District.

2. The Collector
   Villupuram District
   Villupuram. .. Respondents in both Was.

Writ Appeals filed under Clause 15 of the Letters of Patent against the common order of the learned Judge Mr. Justice K. Govindarajan, dated 05.12.2000 made in WP.Nos.3170 and 3171 of 2000.

For appellants : Dr. G. Krishnamurthy

For respondents : Mr. C. Thirumaran
Government Advocate
..

COMMON JUDGMENT

(Judgment of the Court was delivered by P. SATHASIVAM,J.)

The above writ appeals are directed against the common order of the learned single Judge dated 05.12.2000 made in WP.Nos.3170 and 3171 of 2000, in and by which the learned Judge, after finding that the petitioners were given notice and participated in the enquiry, rejected their claim and dismissed the writ petitions.

2. Heard Dr. G. Krishnamurthy, learned counsel for the appellants as well as Mr. C. Thirumaran, learned Government Advocate for the respondents.

3. The learned counsel appearing for the appellants submitted that the appellants were not served with proper notice in Form I under Section 4(2) of the Tamil Nadu Acquisition of Land

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978). Though in the counter affidavit it has been specifically stated that notices were duly issued on 23.01.1999 itself fixing the enquiry on 09.02.1999 and thereafter, the enquiry was adjourned to 18.02.1999, for which also the land owners were duly informed, appeared and filed their objections. We verified all the above details from the records produced by the learned Government Advocate. Records produced by the learned Government Advocate further show that both the appellants were duly served notice for enquiry originally fixed on 09.02.1999. It is further seen that due to "on other duty", the Land Acquisition Officer postponed the enquiry to 18.02.1999. The records also show that for the enquiry dated 18.02.1999, both the lands owners appeared and filed their objections. The Land Acquisition Officer, after referring all the details, such as, Survey Number, extent, ownership particulars and their objections, etc., after satisfying that the lands in question are required for provision of house sites to houseless Adi Draviders, recommended to the Collector for issuance of notification in the District gazette.

4. On perusal of all the materials, we are satisfied that the appellants were afforded opportunity and in fact they submitted their objections and the same were duly considered and thereafter only notification was issued in the District gazette, we are unable to accept the contention raised by the learned counsel for the appellants and we are in agreement with the conclusion arrived at by the learned single Judge. We do not find any valid ground to interfere with the impugned common order of the learned single Judge; on the other hand, we are in agreement with the same. Accordingly, the appeals fail and the same are dismissed. No costs.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Tahsildar
   Camp Office
   Harijan Welfare Department
   Gingee, Tindivanam Salai
   Villupuram District.

2. The Collector
   Villupuram District
   Villupuram.

+ 1 cc to Government Pleader SR no.30366

Common Judgment in
Writ AppealNos.1663&1664/02

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

SR/26.7.2006